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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,219	04/01/2004	Kazuo Yokota	AK-452XX	7321
207	7590	07/14/2006	EXAMINER	
WEINGARTEN, SCHURGIN, GAGNEBIN & LEOVICI LLP TEN POST OFFICE SQUARE BOSTON, MA 02109			KAYRISH, MATTHEW	
			ART UNIT	PAPER NUMBER
			2627	

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/816,219	Applicant(s) YOKOTA, KAZUO	
	Examiner Matthew G. Kayrish	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/1/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Obata et al (US Patent Number 6275459).

Regarding claim 1, Obata et al disclose:

A disk apparatus for loading and driving an optical disk, and for recording or reproduction of data on the optical disk, wherein the disk apparatus comprising:

First release means (figure 1, item 101) and second release means (figure 1, item 14) for externally manipulating a mechanism (figure 7, item 91) for unloading a loaded optical disk (column 11, lines 21-39);

Wherein manipulation of the second release means (pressing the eject button [14] to eject the disc) forcibly unloads the loaded optical disk (the loading gear unit [100] will drive the disc out of the disc drive) by manipulation of the first release means (figure 35, item 101 is moved by the loading gear unit).

Regarding claim 2, Obata et al disclose:

The disk apparatus according to claim 1, wherein the driving of a spindle motor (figure 7, item 95) for rotating the optical disk is stopped (figure 7, mechanical rack [91]

is lowered out of contact with the disc) by the manipulation of the first release means (column 11, lines 21-39).

Regarding claim 3, Obata et al disclose:

A slot-in type disk apparatus for loading and driving an optical disk, and for recording or reproduction of data on the optical disk, wherein the disk apparatus comprising:

A loading gear unit (figure 26, item 100) for loading and unloading the optical disk (column 9, line 61);

A rack gear unit (figure 26, item 101) for interlocking with the loading gear unit (figure 26, rack unit[101] interlocks with loading gear unit [100]);

First release means (figure 1, item 14) for the loading gear unit being manipulatable externally (buttons are pressed from the outside); and

Second release means (figure 1, item 15) for the rack gear unit being manipulatable externally ((column 15, lines 40-46 & 60-63), (column 16, lines 10-15));

Wherein a manipulation-protected state of the rack gear unit is released by manipulation of the loading gear unit (column 11, lines 21-39).

Regarding claim 4, Obata et al disclose:

The disk apparatus according to claim 3, wherein the rack gear unit switches to a floating state (figure 32, rack gear in position P_{21}) to enable the unloading manipulation of the optical disk by the manipulation of the loading gear unit (column 11, item 21-39).

Regarding claim 5, Obata et al disclose:

A disk apparatus for loading and driving an optical disk, and for recording or reproduction of data on the optical disk, wherein the disk apparatus comprising:

First release means (figure 35, item 101) and second release means (figure 35, item 156) for externally manipulating through an emergency through hole (figure 35, item 15) provided in an apparatus casing (figure 1, item 15); and

An emergency unloading mechanism (figure 35, item 35) for stopping driving of a spindle motor for rotating the optical disk by manipulation of the first release means (column 11, lines 21-39), and for unloading forcibly a loaded optical disk by manipulation of the second release means ((column 15, lines 40-46 & 60-63), (column 16, lines 10-15)).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew G. Kayrish whose telephone number is 571-272-4220. The examiner can normally be reached on 8am - 5pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on 571-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access

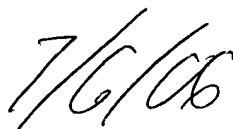
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to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Matthew G. Kayrish

7/6/2006

MK

A handwritten signature in black ink, appearing to be 'MK' followed by a stylized flourish.A handwritten date '7/6/06' in black ink.A handwritten signature in black ink, appearing to be 'Andrea Wellington'.

ANDREA WELLINGTON
SUPERVISORY PATENT EXAMINER